

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK ALLEN,

Plaintiff,

v.

WARDEN DEMORE, *et al*,

Defendants.

Civil Action No. 2:22-cv-1162

Hon. William S. Stickman IV

Hon. Cynthia Reed Eddy

ORDER OF COURT

Pro se Plaintiff Frederick Allen, a pretrial detainee who, at the time of filing, was confined at the Butler County Prison, brought this action pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 2000cc against Defendants Warden DeMore, Trinity Food Services, Inc., Jen, Dietary Specialist, and unnamed Butler County Prison Employees. Allen contends that although he received Kosher meals, they were oftentimes “not nutritionally adequate” and they “did not meet Jewish dietary laws.” (ECF No. 10, p. 7). Therefore, Allen claims he was denied his right to a “religious diet.” (*Id.*). Since the filing of this case, Allen has ignored multiple orders of Magistrate Judge Cynthia Reed Eddy and he has failed to respond to a Show Cause Order. (ECF Nos. 29, 34, 35).

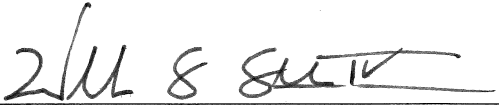
Magistrate Judge Eddy issued a Report and Recommendation in which, after considering and weighing the *Poullis*¹ factors, she recommended dismissal of the case with prejudice due to Allen’s failure to prosecute. (ECF No. 36). The parties were provided the opportunity to file objections, and no objections were filed. Therefore, the Court hereby ADOPTS Magistrate

¹ In *Poullis v. State Farm Fire & Casualty Co.*, 747 F.2d 863 (3d Cir. 1984), the United States Court of Appeals for the Third Circuit set forth a six-factor balancing test to guide a district court in determining whether a case should be dismissed for failure to prosecute.

Judge Eddy's Report and Recommendation as its Opinion. It concurs with her thorough legal analysis and conclusions.

AND NOW, this 27 day of July 2023, IT IS HEREBY ORDERED that all claims against Defendants are DISMISSED WITH PREJUDICE for failure to prosecute. The pending motions to dismiss (ECF Nos. 25 and 27) are TERMINATED AS MOOT.

BY THE COURT:



WILLIAM S. STICKMAN IV
UNITED STATES DISTRICT JUDGE